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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/525,570

02/25/2005

Georg Weihrauch

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KARLSRUHE,
GERMANY

EXAMINER

FLETCHER III, WILLIAM P

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

03/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/525,570	Applicant(s) WEIHRAUCH, GEORG	
	Examiner William P. Fletcher III	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/25/2005</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Machine translation DE10057531</u> . |

DETAILED ACTION

Response to Amendment

1. Claims 28-54 are now pending as filed February 25, 2005.

Information Disclosure Statement

2. The information disclosure statement filed February 25, 2005, has been considered by the Examiner.

Drawings

3. The drawings were received on February 25, 2005. These drawings are informal but acceptable for examination purposes.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 28-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 10057531 in view of US 5,637,265 A.**

A. Claims 28-30

- i. A machine translation of the description of DE '531 is attached to this Office action.
- ii. DE '531 teaches a process in which a grip-promoting, slip-resistant coating is applied to the handle of a household utensil, such as a screwdriver. While DE '531 teaches that the coating may be applied to the

surface of the handle by imprinting, this reference does not expressly teach the tampon pad printing process recited by Applicant.

iii. US '265 teaches that it is known in the art to apply a coating material — including a resinous or polymeric coating material — to the surface of an irregularly-shaped substrate in a desired pattern by the conventional tampon pad printing process claimed by Applicant [1:20-3:55].

iv. Consequently, it would have been obvious to one skilled in the art to modify the process of DE '531 so as to apply the coating material to the handle by tampon pad printing, motivated by the desire and expectation of successfully applying the material to the handle. Further, since US '265 teaches tampon pad printing as suitable for irregularly shaped surfaces and since household utensils commonly have such irregular surfaces (DE '531 describes the screwdriver handle as having recessed portions) it is the Examiner's position that there would have been a reasonable expectation of successfully applying the material by tampon pad printing.

B. Claims 31-36, 39, and 40

i. While neither of these references expressly teach the nature of the printing image, it is the Examiner's position that tampon pad printing is well suited for the application of any desired pattern. Further, it is the Examiner's position that any desired pattern may be applied to the handle

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of the utensil, determined by the nature and aesthetics of the desired end use.

ii. Consequently, the shape and dimensions of the printing image, which determine this pattern would have been obvious for the artisan to select in order to achieve a desired finished appearance.

C. Claims 37 and 38

i. Neither of these references expressly teach the limitations of these claims.

ii. Nevertheless, the coating of DE '531 is applied wet and, since an un-hardened (i.e., wet) article would have no utility, drying of the printed material is inherent and/or obvious in view of DE '531.

D. Claims 41-43

i. Neither of these references expressly teach the limitations of these claims.

ii. Nevertheless, many of the articles disclosed in DE '531 are known to be manufactured of plastic material, which is also conventionally treated, either as recited in claim 42 or claim 43 in order to improve the surface wetting and adhesion properties thereof. As such, this would have been readily obvious to one skilled in the art.

E. Claim 44

i. Neither of these reference expressly teach the limitations of this claim.

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ii. Nevertheless, it is known in the art to apply two sequential layers of a coating material so as to build up a coating of a desired thickness. As such, this would have been readily obvious to one skilled in the art.

F. Claim 45

i. Neither of these reference expressly teach the limitations of this claim.

ii. As noted above, it is known in the art to apply two sequential layers of a coating material so as to build up a coating of a desired thickness. Insofar as any previously applied layer may be partially or completely dried as part of this process, prior to application of a subsequent layer, this reads on “different” materials.

G. Claims 46-51

i. Neither of these reference expressly teach the limitations of this claim.

ii. Nevertheless, it is the Examiner’s position that incorporation of pigments and/or dyes to impart a desired color and/or effect would have been obvious to one skilled in the art. Common pigments in the art, including carbon black and iron oxide or other metallic pigments exhibit the properties recited in these claims.

H. Claims 52-54

- i. As noted above, DE '531 teaches that the handle, such as that of a screwdriver, has an irregular surface having "recesses," which, by extension, implies the presence of "elevated" portions.
- ii. It is the Examiner's position that application to recessed or elevated portions would have been readily obvious to one skilled in the art to select in order to achieve a desired finished appearance.
- iii. With respect to claim 53, as noted above, it is known in the art to apply two sequential layers of a coating material so as to build up a coating of a desired thickness. Insofar as any previously applied layer is applied to a portion of the handle, prior to application of a subsequent layer, this reads on the limitations of this claim.

Conclusion

6. The prompt development of clear issues in the prosecution history requires that applicant's reply to this Office action be fully responsive (MPEP § 714.02). When filing an amendment, applicant should specifically point out the support for any amendment made to the disclosure, including new or amended claims (MPEP §§ 714.02 & 2163). A fully responsive reply to this Office action, if it includes new or amended claims, must therefore include an explicit citation (i.e., page number and line number) of that/those portion(s) of the original disclosure which applicant contends support(s) the new or amended limitation(s).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (571)

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272-1419. The examiner can normally be reached on Sunday, 5:00 AM - 12:00 PM and Monday through Friday, 5:00 AM - 3:30 PM; on campus every Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy H. Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William Phillip Fletcher III/

Primary Examiner

March 25, 2008